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UNCLAS SECTION 01 OF 02 AMMAN 001496

SIPDIS

SENSITIVE

STATE FOR NEA/ARN  
STATE ALSO FOR EB/TPP/MTA/IPC - P. QUIGLEY  
USTR PASS TO BPECK  
DOC PASS TO KSCHELFMILCH

E.O. 12958: N/A

TAGS: [KIPR](#) [ETRD](#) [PREL](#) [JO](#)

SUBJECT: SPECIAL 301 SUBMISSIONS - JORDAN

REF: STATE 038125 AND PREVIOUS

SENSITIVE BUT UNCLASSIFIED. PROTECT ACCORDINGLY.

[11.](#) (SBU) SUMMARY: Although the International Anti-Counterfeiting Coalition (IACC) states that enforcement of IPR violations in Jordan is weak, the evidence available to us shows that enforcement efforts against pirating in Jordan are growing in scope and that significant numbers of convictions are being won. The major problem in Jordan is the communication gap between enforcement, prosecution, and the courts. Amendments to the copyright law to bring it in consonance with the FTA are on track. Trademark protection is growing, with the addition in the Ministry of Industry and Trade of a Fulbright-trained lawyer. The Jordan Institute of Standards and Metrology is also growing in strength and seeks to enforce safety and technical standards for more and more products. While the system could be improved, the political will to strengthen protections for IPR is evident in the current government. While Jordan needs some time to work through its remaining problems, we do not believe placing Jordan on the Special 301 watchlist now would advance IPR protections. END SUMMARY.

#### Evidence on Enforcement

[12.](#) (SBU) There is growing evidence of strong IPR enforcement in Jordan. In calendar year 2003, Jordan's National Library IPR enforcement unit sent 383 cases of IPR infringement to prosecutors nationwide. The unit makes frequent raids on stores, shops, and even homes (used as stores). Library Director Mahmoud Talhouni told us that he has devised a system to work with the police on raids, so that arrests can be made and confiscations of suspected counterfeits ordered. This year, because some of the targets were involved in other types of fraud (including passports and documentation), the police were involved in dangerous shoot-outs. Yet, the unit persists. From 5 cases brought in 2000 in the city of Amman, the caseload has grown to 214 in Amman in 2003, according to National Library statistics. Nationwide, the cases went from 6 in 2000, to 149 in 2002, to 297 in 2002, to 383 in 2003.

[13.](#) (SBU) Talhouni also stated that he did not like to see the caseload go up, as it was an indication of the extent of the problem. However, he said he believed that, as his unit presses ahead, the numbers of new cases will eventually plateau and decline as the public gets the message that IPR crime does not pay.

[14.](#) (SBU) Talhouni said that, although the National Library did not receive reports back from the various jurisdictions in which IPR cases are filed, he cited an academic study noting that prosecutors got convictions in over 80 percent of IPR cases. He conservatively estimated convictions for the cases his unit brought to court at about 75 percent, taking into account appeals. One of the most significant remaining problems with IPR enforcement is the lack of systematic communication across functional jurisdictions. Talhouni said that the National Library unit does not routinely hear back from the prosecutor once a case is in the courts, and obtaining a final decision from the court is difficult.

#### Copyright Law Amendments

[15.](#) (SBU) With amendments to the Copyright law in 2001, the GOJ came into compliance with international (WIPO) standards. Submission of the "internet treaties" to WIPO late last year was another positive step taken by the GOJ. In the first months of this year, the Ministry of Industry and Trade (MOIT) has been working closely with the National Library to further amend the copyright law to bring it into full compliance with the U.S.-Jordan Free Trade Agreement. This was also a "condition precedent" of U.S. assistance to Jordan; the amendments should be submitted to Parliament soon.

#### Trademarks

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16. (SBU) The MOIT trademark section has a new U.S.-trained lawyer who was supported by a Fulbright scholarship. This addition of an individual who understands U.S. values and international standards serves to strengthen IPR enforcement.

JISM and Enforcing Product Standards  
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17. (SBU) The Jordan Institute of Standards and Metrology (JISM) has the mandate to enforce product safety and technical standards. The organization appears to be growing in depth and experience in holding merchants accountable for the standards of their products. JISM has a long way to go in this area, but enforcement against substandard auto parts is part of its mission.

Transit a Problem... As It Is Worldwide  
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18. (SBU) Jordan, like any strategic transit trade nation, will experience greater volumes of both legitimate and illegitimate trade crossing through its borders. Embassy supports a strong USAID program to enhance Jordan customs operations. The system of accountability and central checks in GOJ Customs are an indication that its reputation as the best customs operation in the region is well-deserved. On February 26, the Jordan Customs Department renewed its offer to sign a Customs Mutual Assistance Agreement (CMAA) with the United States DHS Customs and Border Protection department (faxed to NEA/ARN), another indication of its sincerity. There is little direct evidence to indicate corruption is a major problem in Jordan's trading systems, which are so vital to its economy. The reported increase in corruption-related cases in 2003 is likely a demonstration that the GOJ is facing up to problems of "traditional" practices, including influence-peddling.

19. (SBU) There is no evidence that "Earth Station 5", reportedly based in a refugee camp outside of Jordan, has any satellite operations in Jordan offering free downloads. Embassy has not been able to confirm such a presence.

110. (SBU) RECOMMENDATION: Embassy does not believe that it would advance IPR protections in Jordan to put Jordan on the Special 301 watchlist. Deputy Prime Minister Halaqi has stated unequivocally that the GOJ is committed to meeting WTO and FTA commitments on IPR. Although Jordan has much to do to improve on its policies and procedures regarding intellectual property protections, we would be sending the wrong signal by placing the GOJ on a warning list just as it is making advances in this area.  
GNEHM